



## **PRO BONO POLICY**

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### **A. THE PURPOSE OF THE POLICY**

1. This Policy contains the pro-bono obligations of Bar members.
2. PABASA recognises the importance of an independent Bar Association in the transformation of society through strategic litigation aimed at the independence and protection of the legal profession and the protection of marginalised communities and individuals who otherwise are unable access legal representation.
3. In order to give effect to PABASA's constitutional values of access to justice it is imperative that each Bar member commit to devoting a portion of their practice each year to pro bono services.
4. This Policy applies to the Bar, the Pius Langa School of Advocacy, Chapters and Groups operating under PABASA.

### **B. THE PRO BONO OBLIGATIONS OF BAR MEMBERS**

5. Bar members are required to accept and work on pro bono briefs each year in order to remain a Bar member in good standing.
6. The number of pro bono briefs completed in any calendar year is at the discretion of the individual member but as a minimum, members must complete at least one brief of not less than 50 hours work.
7. For purposes of this Policy, work that will count toward pro bono hours include:
  - 7.1. opinion/advisory work, mediation, arbitration or litigation, whether civil or criminal, and may be accepted from Legal Aid South Africa, any briefing attorney, law clinic, or NGO working in public interest law;
  - 7.2. acting as a course convenor on behalf of and confirmed by the Pius Langa School of Advocacy;
  - 7.3. accepting an acting judicial appointment in any of the superior courts or the magistrates court;



- 7.4. acting as a commissioner in the small claims courts;
  - 7.5. sitting on a provincial or the national governance structure of the Legal Practice Council; or
  - 7.6. representing the Bar in litigation in accordance with the Litigation Policy.
8. During December each year members are required to submit to [membership@pabasa.co.za](mailto:membership@pabasa.co.za) a form setting out the pro bono brief(s) worked on during the calendar year together with the details of the case and the instructing attorney / law clinic.
9. A member who is unable to comply with the pro bono requirement, will be levied an amount indicated in the table below based on the member's seniority for the year under review.
- 9.1. This amount will be used solely for the Pius Langa School of Advocacy for the benefit of pupil advocates and junior advocates' training and development.
  - 9.2. Members may make representations why this levy ought not to be imposed and consideration will be given to the member's personal circumstances during the preceding year, the member's seniority, and any additional reasons stated by the member.
  - 9.3. The Membership Committee together with the Professional Committee will take a final decision in this regard.
  - 9.4. Table of the maximum amount that may be levied against a member during the year under review:

Seniority of member	Amount levied for the year
2-5 years	R 10,000
6-10 years	R 15,000
10 years +	R 25,000
Silk status	R 40,000

**EFFECTIVE DATE**

- 10. This Policy was approved by the NEC and is effective October 2021.



## PABASA – PRO BONO ANNUAL FORM

The **PABASA Pro Bono & Litigation Policy** (“the Policy”) requires all Bar members are required to complete a minimum of 50 hours pro bono work each year in order to remain a Bar member in good standing. Work that the Bar will recognise as contributing to pro bono hours include:

- pro bono opinions, advisory work or litigation, whether civil or criminal;
- acting as a course convenor on behalf of (and confirmed by) the Pius Langa School of Advocacy;
- accepting an acting judicial appointment in any of the superior courts or sitting as a commissioner in the small claims court;
- sitting on the provincial or national structure of the Legal Practice Council; or
- acting on behalf of the Bar in litigation in accordance with the Litigation Policy.

Should a Bar member be unable to complete the minimum pro bono hours during the year under review, the member’s Bar fees will be levied with a monetary fee as set in the Policy, in lieu of the completing the required hours.

**Please e-mail this completed form to [membership@pabasa.co.za](mailto:membership@pabasa.co.za)**

MEMBER NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATED: \_\_\_\_\_ 20\_\_\_\_.

	PRO BONO BRIEF: Matter & Description (eg: opinion, trial, opp. motion, divorce, summary judgment, CCMA, etc)	DATE BRIEFED (MM/YY)	INSTRUCTING ATTORNEY / FIRM / LAW CLINIC (incl. contact details)	APPROXIMATE HOURS
1.				
2.				
3.				
4.				

In the event that you have been unable to meet the required 50 hours pro bono work, you are required to set out the reasons why you were unable to meet the Bar minimum requirements. We ask you provide your reasons, whether or not you wish to be exempt from the amount levied.

Your feedback may be collated and used for any revisions to the Policy or adjustments to the amount levied to individual members.

Thank you.